

## REMARKS

Claims 1-6 are pending in the application. It is respectfully acknowledged that Claim 4 would be allowable if rewritten to include the subject matter of the base claim and any intervening claims. However, the Examiner has rejected Claims 1, 2, 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Eromaki et al. (U.S. Patent No. 6,748,249); and Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Eromaki et al. in view of Humphreys et al. (U.S. 2003/143961). It is gratefully acknowledged that Claim 4 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Eromaki et al. discloses a portable electronic device having a slidingly attached touch screen (DPL1), a first sliding lid (SL1) with a keyboard (KB1) installed on top of the sliding lid and a second sliding lid (SL2) which can be transparent.

The present invention is directed to a portable digital communication device comprising a main housing provided with a display unit, a first key pad being capable of sliding on the top surface of the main housing, and a second key pad being capable of sliding on the top surface of the main housing, in order to provide convenience of key manipulation while chatting, playing a game, or inputting complicated data for transmission of an e-mail using the fingers of both hands.

Regarding independent Claim 1, the Examiner admits that Eromaki et al does not teach that the second lid (SL2) includes a keyboard. Then, the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a keyboard on the second lid (SL2) in order to have space for more functional keys or to transfer some of the keys from KB1 to the SL2, so that the keys can be made bigger for user convenience.

First, on the contrary, Eromaki et al. teaches that the second lid (SL2) is preferably transparent, more preferably of shock-resistant transparent plastic to protect the display, and when it is on top of the display it acts as a lens or the part of the display, which is visible through the second lid (SL2) (Col. 3, lines 45-49). Eromaki et al. does not provide any motivation for having first and second key pads being capable of sliding on the display because having a double key pads would defeat Eromaki et al.'s purpose, where the second lid is provided only to protect the display and allow the user to view the display through the second lid.

Second, in view of the Examiner's comments, it is respectfully submitted that the rejection be withdrawn due to the Examiner's failure to make a *prima facie* showing and, alternatively, due to the Examiner's failure to provide substantial evidence support. As is the case in this application, when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. *See, B.F. Goodrich C. v. Aircraft Breaking Sys. Corp.*, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996). The Examiner has failed to explain why one of ordinary skill in the art would be motivated to use a

first and second key pads capable of sliding on the display, preferably while chatting, playing a game, or inputting complicate data for transmission of an e-mail using fingers of both hands where there is no suggestion in Eromaki et al. that a keyboard on the second lid (SL2) would confer any unique advantage, particularly since Eromaki et al. teaches away from such a construction, as detailed above. Accordingly, it is respectfully submitted that the rejection of Claim 1 under 35 U.S.C. §103(a) as being unpatentable over Eromaki et al. is improper, and it is respectfully requested that the rejection be withdrawn.

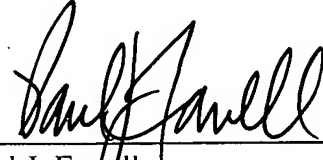
Regarding Claim 3, Claim 3 depends from Claim 1. Therefore, for at least the same reasons as stated above with reference to Claim 1, Claim 3 is believed to be distinguished over Eromaki et al. in view of Humphreys et al. since Humphreys et al. does not cure the above-described defect.

Without conceding the patentability of dependent Claims 2, 3, 5 and 6, at least because of their dependence on Claim 1, these dependent claims are also believed to be in condition for allowance.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely, Claims 1-6, are in condition for allowance. Should the Examiner believe that a telephone

conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

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